

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
April 22, 2003

Council President Dirksen called the meeting to order at 6:30 p.m.

Council Present: Council President Dirksen and Councilors Moore, Sherwood, and Wilson

EXECUTIVE SESSION: Not held

- STUDY SESSION

Administrative Items:

- PUD letter discussion. This discussion was a continuation of the discussion from the April 8 Council meeting. The Oregon Office of Energy Report was distributed to the Council. No further follow up at this time.
- City Manager review process, schedule – postponed until the return of the Mayor
- Tour of City facilities for Council members – tours will be arranged during the day for Councilors Sherwood and Wilson, who said they would like to connect with employees while doing their everyday work assignments. Staff will schedule two department tours per month over the next three months.
- Balloon Festival update – Councilor Moore advised he met with Event Coordinator Bruce Ellis last week. Mr. Ellis is planning to reestablish the event next year and is in the process of looking for sponsors including radio and television stations. Councilor Moore will meet with Mr. Ellis in early summer to discuss how the Festival activities can be split between the field activities and the balloon events with different organizations or individuals taking the lead. Committees can then be set up for different aspects of the event.
- Meeting date/time with Washington County Board – the Board suggested noon, July 22, Hillsboro; City staff suggested July 15 or August 19. City Manager Monahan will check with the County to determine if a late afternoon meeting in a neutral location (i.e., Beaverton) can be set with the Board.
- Earth Day Activities – A flyer for Solv-It volunteer opportunities in Tigard was distributed. Activities are scheduled for several Tigard locations on Saturday, April 26.
- Street Maintenance Fee Public Hearing – Council held a brief discussion noting that public testimony will be limited to five minutes. The Mayor will not be present, so Council President Dirksen suggested that the Council wait until the Mayor returns to vote on this matter. This will also give the Council time to assimilate the testimony presented. Testimony from Mark Padgett, Planning Commission Chair, was distributed to the Council.

- City Manager Monahan reminded Council of the Beaverton Mayor's Breakfast – May 7, 7 to 9:15 a.m. – Greenwood Inn
- Budget Committee Schedule was distributed to the Council.
- Community Outreach meetings:
Thursday, April 24, Chief Bill Dickinson will hold his first of four community meetings. The meeting will be held at Templeton Elementary School beginning at 7 p.m. Councilor Sydney Sherwood will represent Council. The meeting schedule and the council members planning to attend are as follows:
 - April 24, Templeton Elementary, Councilor Sherwood
 - May 1, CF Tigard Elementary, Mayor Griffith
 - May 8, Mary Woodward Elementary, Councilor Wilson
 - May 15, Metzger Elementary, Councilor Moore
- Library – Groundbreaking – May 17, 10 a.m.
- House Bill 3500 (Information distributed to Council)
- Metro Auditor Request (Information distributed to Council)
- Commuter Rail Information was distributed.
- Council received an updated Council Liaison appointment matrix. City Recorder will add the Highway 217 Committee to the matrix – Council Moore is the liaison to this Committee.

Study Session ended at 7:12 p.m.

1. BUSINESS MEETING

- 1.1 Council President Dirksen called the Council and Local Contract Review Board meeting to order at 7:30 p.m.
- 1.2 Roll Call: Council President Dirksen; Councilors Moore, Sherwood & Wilson
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: See Item No. 7
- 1.5 Call to Council and Staff for Non-Agenda Items: None

2. PROCLAMATION

- 2.1 Proclaim April 22, 2003, as Arbor Day

Council President Dirksen issued the Arbor Day Proclamation

3. VISITOR'S AGENDA

Mr. G.E. McAdams, 13420 SW Brittany Drive, Tigard, asked questions about visitors' agenda and public hearing testimony time limits. Visitor agendas are scheduled during business meetings (2nd and 4th Tuesdays). Public hearing testimony time limits are at the discretion of the presiding official, who often consults with the Council about whether to set limits on testimony. If the Manager

is asked about agenda item scheduling for a Council meeting, he consults with the Mayor or Council President.

4. **CONSENT AGENDA:** Motion by Councilor Sherwood, seconded by Councilor Wilson, to adopt the Consent Agenda as follows:
 - 4.1 Approve Council Minutes for February 25, 2003
 - 4.2 Receive and File:
 - a. Council Goal Update
 - 4.3 Approve an Amendment to the Washington County Cooperative Library Services Public Library Services Agreement
 - 4.4 Approve an Amendment to the Washington County Inter-Library Information Network Agreement
 - 4.5 Local Contract Review Board:
 - a. Approve payment to Centex Homes for costs incurred to oversize water lines
 - b. Award contract for engineering/hydro geological services related to aquifer storage and recovery to Groundwater Solutions, Inc.
 - c. Approve the purchase of three marked police vehicles

The motion to approve the Consent Agenda was approved by a unanimous vote of Council present:

Council President Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

5. **PUBLIC HEARING REGARDING A STREET MAINTENANCE FEE**
 - a. Council President Dirksen opened the public hearing.
 - b. City Engineer Duenas presented the staff report. Highlights of his presentation were shown on PowerPoint slides, which are file with the City Recorder. The proposed street maintenance fee is a monthly user fee based on trips generated by land uses, which is typically collected through utility bills. The fee is designated for use in the maintenance of the transportation system.

The public hearing was closed.

Council members commented on the testimony received about the economy and other issues brought to their attention. It was determined that by Friday, April 25, Council members will submit questions to staff. Staff will

respond to the questions and the Council will discuss this information on May 13. A final decision will be scheduled for Council consideration on May 27.

c. Public Testimony

- Paul Owen, 10335 SW Highland Drive, Tigard, who resides in Summerfield and a member of the Transportation Financing Strategies Task Force, testified in support of the street maintenance fee. Mr. Owens noted that a number of people in the audience were from Summerfield. He added that Mr. Paul Hunt, former City Council member, advised he was in favor of the street maintenance fee as it's now proposed to the Council. Mr. Owens submitted a letter from Frank and LeMae Bates in support of the fee.
- Mr. Jack Reardon, 9585 SW Washington Square Drive, Tigard, representing the Washington Square Shopping Center, testified in opposition to the Street Maintenance Fee. A letter outlining his basic objections was submitted to the Council and is on file with the City Recorder. He cited unfavorable economic times for businesses and also noted that Washington Square tenants pay for private street maintenance on the Washington Square property. Mr. Reardon objected to the formula, which has residents paying 25% of the fees assessed with businesses paying 75%.
- Mr. Charles Schneider, 11119 SW Tigard Street, Tigard, was opposed to the fee. He said this was not a fee – it was a tax. He referred to recent construction work on Walnut and Tiedeman and the detour of traffic during the construction that caused wear and tear on neighborhood streets. Mr. Schneider commented that many commercial vehicles (buses, delivery trucks, taxi's, etc.) use the streets, but would not be paying this fee. He objected to multi-family residences paying less than single-family. Mr. Schneider noted that when utility contractors make street cuts to do their work, they often do not make repairs that will last – doing just enough to have the repair hold up for the required one-year warranty.
- Gene McAdams, 13420 SW Brittany Drive, Tigard, said he was critical of the fee, but not necessarily against it. He objected to the staff report stating the gas tax fee had not increased in a decade and noted the amount of revenue had increased by more than 60% since 1991. He noted concerns with the priority given to street maintenance during the

budget process and also questioned the amount of the fee collected that would be used for administrative expenses. Mr. McAdams noted issues with an interfund transfer.

City Engineer Duenas noted that 10% of the fee collected would be for engineering expenses. The street maintenance fee would be dedicated to maintenance.

Mr. McAdams requested that the ordinance set the fee, rather than having the fee set by resolution. A public hearing should be before the fee could be adjusted.

Mr. McAdams objected to the right-of-way maintenance on arterial and collector streets only. He said the additional manpower and equipment needs should be taken into consideration before implementing a maintenance program.

- Dan Murphy, 12345 SW Main Street, Tigard, representing the Tigard Area Chamber of Commerce, advised that the Business Advocacy Committee and the Board of Directors did not support the maintenance fee. This fee should be labeled a “tax” and approved by a vote of the people.
- Joe Gilliam, 30300 SW Parkway Avenue, Wilsonville, Oregon 97070, Oregon Grocery Association, said this was a tax not a fee. The perfect solution would be for maintenance needs to be funded by gas tax revenue; however, the voters have not approved any increases to this tax. He questioned the credibility of the resources used to establish the fee. He said the ITE Manual supplies incomplete data, which is based on a survey of only two stores. He said that local data should be used to calculate the fee. He advised that grocery stores generally operate on a 1% margin; therefore \$1.5 million must be generated in grocery store sales in order to break even on a fee assessment of \$15,000.
- Brian Kovacich, Embassy Suites Hotel, 9000 SW Washington Square Road, Tigard, asked the Council take more time to consider whether to implement the Street Maintenance Fee. He said many businesses were surprised that such a fee was being considered. He noted concerns about imposing this fee during these difficult economic times. He would like an opportunity to review how these fees are being assessed. He noted the hotel industry currently generates 7% room tax payable to Washington County. Mr. Kovacich advised he would not be in favor of the fee if it's

skewed toward businesses paying more than residents. He said he would be willing to pay for street maintenance on his property tax statement.

City Engineer Duenas, in response to a question from Mr. Kovacich, said he will contact Mr. Kovacich with details about the proposed assessment for hotels.

- Cleon Cox III, 13580 SW Ash Avenue, Tigard, advised he is opposed to the fee and said it's a tax, not a fee. He referred to a previous request he to Council to have police increase patrols and issue tickets to traffic speeders rather than install speed humps. Mr. Cox referred to the current economic conditions and suggested that expenditure cuts be made. He said he considered this fee to be anti-business.

Councilor Moore referred to the upcoming Budget Committee meetings and invited Mr. Cox to attend these meetings so he could become aware of where the City is making cuts.

- Devin Kidman, 7150 SW Hampton Street, Tigard, The People Group, noted concerns about this expense for business owners. He asked Council consider how this would affect businesses during the current difficult economic climate.
- Valorie Westlund, 14800 SW Kenton Drive, Tigard, commented that the street maintenance fee has been under discussion for at least the last year and a half. She said a street maintenance fee is needed, adding that the value of maintenance is to avoid more expensive repairs later. She empathized with businesses and suggested that the fee distribution formula be reviewed.
- Mary Kaufman, 14425 SW McFarland, Tigard, resident and representative of the lodging industry, noted that the Tigard fee schedule, as proposed, is not equitable. This is an unbelievably difficult time for business and it is not the right time to implement this fee.
- John Skourtes, owner of six warehouses in Tigard, advised that all of his tenants are "barely hanging in there" because of the poor economy. He suggested that the City ask voters to approve a bond measure.

City Engineer Duenas explained that maintenance expenses are ongoing and a bond measure will not address the continuing maintenance needs. The Transportation Financing Strategies Task Force considered a number of financing options.

d. Staff Recommendation

Staff recommended the Council consider the testimony and information it received tonight and then provide direction to staff on whether to proceed with developing an ordinance to implement a street maintenance fee.

e. Council President Dirksen closed the public hearing.

6. CONSIDER AN ORDINANCE REVISING CHAPTER 2.12 OF THE TIGARD MUNICIPAL CODE PERTAINING TO A PARK AND RECREATION BOARD

City Manager Monahan presented the staff report. The proposed revisions to TMC 2.12 were proposed as a result of 2003 Council Goal No. 4. A section of that goal is to "Explore the creation of a Park and Recreation Advisory Board." TMC 2.12 provides for such a board; however, the board has been inactive for several years.

Motion by Councilor Moore, seconded by Councilor Sherwood, to adopt Ordinance No. 03-02.

ORDINANCE NO. 03-02 – AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE, CHAPTER 2.12, REGARDING THE PARK AND RECREATION BOARD

The motion was approved by a unanimous vote of Council present:

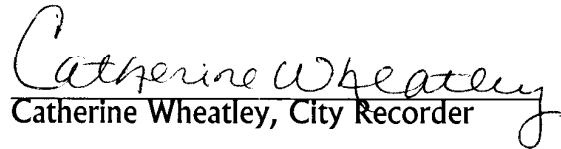
Council President Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

7. COUNCIL LIAISON REPORTS

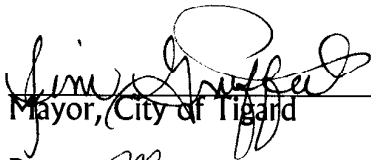
Councilor Sherwood reported on the Arbor Day activities that took place earlier in the day at Durham Elementary School. She had several items to give to the Mayor including a Tree City USA flag.

Councilor Dirksen announced a Downtown Task Force Meeting scheduled for Thursday, April 24, 2003, 6:30 p.m. at Town Hall.

8. NON-AGENDA ITEMS: None
9. EXECUTIVE SESSION: Not held
10. ADJOURNMENT: 9:27 p.m.


Catherine Wheatley, City Recorder

Attest:


Mayor, City of Tigard
Date: May 27, 2003

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